

Declan Kearns & Associates  
Tullywest  
Kildare  
Co. Kildare

**NOTIFICATION OF DECISION TO REFUSE PERMISSION  
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND  
PLANNING REGULATIONS THEREUNDER**

<b>Decision Order No.</b>	<b>0512</b>	<b>Date of Decision</b>	21-Apr-2022
<b>Register Reference</b>	SD22A/0070	<b>Date</b>	25-Feb-2022

**Applicant:**

Will Lynch

**Development:**

Two storey house; detached one storey domestic garage; effluent treatment system and polishing filter; recessed entrance and all associated site works.

**Location:**

Coolmine Saggart Co. Dublin

**Time extension(s) up to and including:**

**DECISION:** Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

**REASON(S)**

1. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states; 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided that would warrant the setting aside of the objectives of Policy H20 in this instance, particularly having regard to the proximity of the site to such existing settlements. As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to the exacerbation of ribbon development and demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed site is located in an area zoned Objective 'RU' in the South Dublin County Development Plan 2016 – 2022 which seeks 'to protect and improve Rural Amenity and to

provide for the development of Agriculture’. The site of the proposed development is situated in an area under strong urban influence and therefore, pursuant to the national policies contained within ‘Project Ireland 2040, National Planning Framework’; and the Core Strategy and Rural Settlement Strategy outlined in the South Dublin County Council Development Plan, the proposed development would by itself and cumulatively, constitute the proliferation of rural housing in an area under strong urban influence. This would hinder the achievement of the policies and objectives of the National Planning Framework to consolidate existing urban settlements and to contribute to compact growth within the Dublin Region. It is therefore considered that the proposed development would be contrary to national policy as set out in ‘Project Ireland 2040, National Planning Framework’ and local policy as set out in the South Dublin County Council Development Plan 2016 – 2022 and that it would materially contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.


3. The design, scale and siting of the dwelling do not comply with Sections 2.5.8 that ‘dwellings should be designed to be inconspicuous and compact in design particularly in areas of high visual amenity and with a steep topography’. In addition, the criteria contained in Policy H27 Objective 1 and specified in Section 11.3.4(ii) have not been met in that the house has not been designed to minimise impact on the landscape or natural contours of the site, does not retain or reinstate traditional roadside boundaries (proposing the full removal of the existing hedgerow), a comprehensive site analysis and character appraisal has not been submitted, the proposal would contribute to ribbon development, parts of the development are located at an elevated location within the site and the natural slope of the site would not be retained, intrusive engineered solutions may be required, the driveway and parking area is considered excessive. In this regard the proposal would be contrary to the recommendations of the Development Plan and would not represent the proper planning and sustainable development of the area.
4. The proposed development would front onto a substandard rural road network which lacks public footpath, public lighting and drainage facilities, and would be situated in an area that is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

**Register Reference: SD22A/0070**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

  
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for **Senior Planner** 22-Apr-2022

## NOTES

### **(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

### **(B) APPEALS**

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.**
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal..... €110.00
  - (f) Appeal following a grant of leave to appeal..... €110.00
  - (g) Referral ..... €220.00
  - (h) Reduced fee (payable by specified bodies) ..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100